

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LYNN M. O'DAY : CIVIL ACTION
v. :
TICOR TITLE INSURANCE COMPANY :
OF FLORIDA : NO. 06-cv-04660-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 8, 2007

The defendant has filed a motion to dismiss plaintiff's complaint, in which plaintiff alleges that the defendant charged her more for title insurance than was permitted by law. The defendant argues that the Pennsylvania Title Insurance Act, 40 P.S. § 910-1 et seq., provides an administrative remedy which is exclusive, hence this lawsuit cannot succeed. All of defendant's arguments have been squarely rejected in an opinion by my colleague Judge Sánchez, Cohen v. Chicago Title Ins. Co., 2006 WL 1582320 (E.D. Pa.) (C.A. 06-873), E.D. Pa. June 5, 2006, and by several other judges of this court. Other trial courts within the Commonwealth have also rejected defendant's arguments. I see no need to depart from these holdings, and will therefore deny the defendant's motion.

An Order follows.

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ORDER

AND NOW, this 8th day of March 2007, upon consideration
of the motion of Ticor Title Insurance Company of Florida to
dismiss the complaint, and plaintiff's response, IT IS ORDERED:

That the defendant's motion is DENIED. Defendant shall
file an answer to the complaint within 20 days.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.